

Serial No. 09/777,091

PATENT



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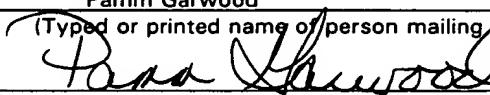
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

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May 30 2002

Pamm Garwood

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Pavcnik et al.

Atty. Docket No.: PA-5213-CIP

Customer No.: 9896

Serial No.: 09/777,091

Group Art Unit: 3738

Filed: February 5, 2001

Examiner: Javier G. Blanco

Title: IMPLANTABLE VASCULAR DEVICE

TECHNOLOGY CENTER 2600 R3700  
JUN 19 2002

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

TRANSMITTAL OF RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

SIR:

Enclosed are the following papers relating to the above-identified application:

Petition and Fee For Extension of Time (2 pages)  
Response to Election/Restriction Requirement (2 pages)

filed

## FEE FOR CLAIMS

	Claims Remaining After Amendment	Highest Number Previously Paid For	No.	Extra	Rate	Calculations
<u>Total No. of Claims</u>	43	- 47 =	0	x \$18 =	\$ 0.00	
<u>Independent Claims</u>	10	- 10 =	0	x \$80 =	\$ 0.00	
<u>Multiple Dependent</u>				+ \$270 =	N/A	
<u>Claim(s), if applicable</u>					TOTAL FEE:	\$0.00

The Commissioner is authorized to charge our Deposit Account No. 13-2528 in the amount of \$110.00 for payment of Fee for Extension of Time. In the event of improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 13-2528 as required to correct the error.

Please address all correspondence to:

Charles W. Agnew  
 Patent Agent  
 P.O. Box 2269  
 Bloomington, IN 47402-2269  
 812-330-1824

Respectfully,

Date: 5-30-02



Agent for Applicants  
 Charles W. Agnew  
 Reg. No. 44,497

Serial No: 09/777,091

PATENT



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Date: May 30, 2002

Pamm Garwood  
(Type or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Pavcnik et al.

Atty. Docket No.: PA-5213-CPA

Serial No.: 09/777,091

Group Art Unit: 3738

Filed: February 05, 2001

Examiner: Javier G. Blanco

Title: IMPLANTABLE VASCULAR DEVICE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

RESPONSE TO ELECTION/RESTRICTION  
REQUIREMENT UNDER 35 U.S.C. § 121

In response to the Election/Restriction requirement under 35 U.S.C. § 121 in the Office Action of April 3, 2002, Paper No. 17, Applicants elect with traverse Species K which the Examiner has identified as being embodied by FIGs. 21-27 and 50. Applicants regard claims 1-6, 10-13, 15-16, 19-22, 25-30, 36-41, and 46-47 to read on Species K, or at least on a subspecies thereof. The Examiner has indicated that no claim is generic.

While Applicants agree that there are no claims that are generic to each of Species A through ZZZ; however, claims 1, 19, and 36-40 are generic to all species that are the subject of this particular application. A number of the identified

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species were previously included in a parent application and are clearly not the subject of the present claims. While Applicants regard the division of disclosed embodiments into 28 identified species to be excessive and unnecessary for enabling the Examiner to conduct a reasonable search, we decline at this time to suggest a more reasonable regrouping of species and merely elect to satisfy the requirements under 35 U.S.C. § 121.

Applicants elect to withdraw claims 42-45 without prejudice so that they may be later filed in a divisional or continuation application, if so desired.

Although the foregoing discussion is believed to be dispositive of the issues in this case, applicants' attorney requests a telephone interview with the Examiner to further discuss any unresolved issues remaining after the Examiner's consideration of this response to the Election/Restriction requirement.

Respectfully submitted,

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Josef Rosch  
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Andrew K. Hoffa  
Raymond B. Leonard II  
Joseph F. Obermiller

Date: 5-30-02

By

  
Charles W. Agnew, Patent Agent  
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Enclosure:  
Petition for 1-month Extension of Time